

**REMARKS**

Claims 1-22 and 24 have been previously canceled without prejudice to or disclaimer of the subject matter recited therein. Claim 23 is pending. No amendments to the claims have been made in this response.

Applicant acknowledges its duty of obligation under 37 CFR §1.56. The Examiner's presumption that the subject matter of the claims was commonly owned at the time any inventions covered therein were made is correct.

Claim 23 was rejected under 35 U.S.C. 102(e) as anticipated or, in the alternative, under 35 U.S.C. 103(a) as obvious over Beach (US Patent 5,936,140).

It is stated on page 3 of the Office Action that

Beach teaches producing feed from soybean seeds that have reduced levels of protease inhibitor, which is a soybean seed storage protein as indicated in the present specification, in addition to reduced levels of a preselected protein.

Attention is kindly invited to Beach, column 5 at lines 4-20, which states that:

Levels of an endogenous protein in a plant seed are reduced by the use of nucleic acid sequences inserted into the genome of a plant to cause the expression of a preselected protein, the sequence of which requires a limiting amino acid necessary to construct the primary structure of the endogenous protein. Synthesis of the preselected protein removes the source of the amino acid for synthesis of the endogenous protein, thus inhibiting its synthesis and subsequent presence in the seed. The amount of inhibition of the endogenous protein will depend on the location in the genome and the number of copies of the heterologous gene in the genetically-modified cell. These will affect expression of the preselected protein. Transgenic plants will exhibit a variety of different phenotypic expression of the preselected protein, and selecting plants with high levels of expression can be readily achieved by skilled artisans in accordance with the present invention. (Emphasis added.)

Thus, Beach teaches over-expression of a preselected protein in a soybean plant. Preferential expression of the preselected protein competes with the synthesis of endogenous proteins, such that the content of other endogenous proteins is diminished in the seed. Specifically, expression

elimination of antinutritional protease inhibitors in the seed. (Beach, column 3 at lines 33-39.)

In other words, the teachings of Beach are directed to feed having reduced amounts of over-expression of the preselected protein and a concomitant reduction of protease inhibitor(s) is desired to increase the seed's nutritional value.

In contrast, the instant invention is directed to feed prepared from soybean seeds prepared by a method for simultaneously reducing the expression of one or more members of a class of soybean seed storage proteins. Overexpression of a preselected selected protein does not constitute part of the claimed invention.

Accordingly, Beach does not teach or suggest the instant invention.

Withdrawal of the rejection of claims 23 under 35 U.S.C. 102(e) as anticipated or, in the alternative, under 35 U.S.C. 103(a) as obvious over Beach (US Patent 5,936,140) is respectfully requested.

It is respectfully submitted that the claims are now in form for allowance which allowance is respectfully requested.

A Petition for a one (1) month extension of time accompanies this response.

Please charge any fees or credit any overpayment of fees, which are required in connection herewith to Deposit Account No. 04-1928 (E.I. DuPont de Nemours and Company).

Respectfully submitted,

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Dated: January 5, 2007